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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/621,476 | 07/17/2003 | Alfred Stirnemann | 35624 | 2892 |

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EXAMINER

WALLING, MEAGAN S

| | |
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| ART UNIT | PAPER NUMBER |
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2863

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action SummaryApplication No. **10/621,476**

Applicant(s)

STIRNEMANN, ALFRED

Examiner

Meagan S. Walling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 and 18-21 is/are allowed.
- 6) ☒ Claim(s) 16,22 and 26 is/are rejected.
- 7) ☒ Claim(s) 16,17 and 23-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 16 is objected to because of the following informalities:

Claim 16 recites the limitation "said channel" in line five. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Jenkins et al. (US 6,126,614).

Regarding claim 16, Jenkins et al. teaches a probe, a microphone, a speaker, and an acoustic resistor wherein the microphone (304) is connected to the speaker (312) via a channel (see Fig. 8, the axis of Ref. 306), and wherein the channel has an exit opening (see Fig. 8, the area where Ref. 306 points) with the acoustic resistor (310) between the speaker and the exit opening (please see Fig. 8).

Regarding claim 22, Jenkins et al. teaches measuring of the impedances of hearing devices, part systems of hearing devices, shells of hearing devices, and vents of hearing devices (column 5, line 64 – column 6, line 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins et al. in view of Jeng (US 6,139,507).

Regarding claim 26, Jenkins et al. teaches a probe (308); a microphone (304); a speaker (312); an acoustic resistor (310) arranged between the speaker and the exit opening (see Fig. 8, the area where 306 points) within a connecting channel (axis of 306) connecting to one of the microphone and an exit of the probe (please see Fig. 8); and an analysis unit for receiving electrical signals from the microphone, and for determining an impedance Z (38).

Although Jenkins et al. explicitly states that the device can be calibrated (column 19, lines 37-39), Jenkins et al. does not teach that a series of acoustic calibration signals of a number of known acoustic impedances covering different calibration scopes are generated by means of a predefined simulation for output by the probe for reception by the microphone.

Jeng teaches that a series of acoustic calibration signals of a number of known acoustic impedances covering different calibration scopes are generated by means of a predefined simulation for output by the probe for reception by the microphone (see at least abstract).

It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Jenkins et al. with the teachings of Jeng to calibrate the device. The

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motivation for making this combination would be to rapidly and accurately determine the acoustic impedance (Jeng, column 1, lines 17-19).

Allowable Subject Matter

4. Claims 17 and 23-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the indication of allowability of claim 17 is the inclusion of the limitation that a connecting channel is built up within the probe between the speaker and the microphone, leading subsequently to the microphone into an adapter, which is arranged in an unlockable fashion with a housing of the probe. It is this limitation in the claimed combination that has not been found, taught, or suggested by the prior art that makes these claims allowable.

The primary reason for the indication of allowability of claim 24 is the inclusion of the limitation of measuring the impedances in the field of quality control of hearing device transducers, porous bodies, membranes, and textiles. It is this limitation in the claimed combination that has not been found, taught, or suggested by the prior art that makes these claims allowable.

5. Claims 1-15 and 18-21 are allowed.

The following is an examiner's statement of reasons for allowance: Please see previous office actions and applicant's responses for reasons for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

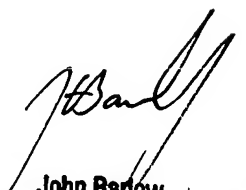
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan S. Walling whose telephone number is (571) 272-2283. The examiner can normally be reached on Monday through Friday 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msw


John Barlow
Supervisory Patent Examiner
Technology Center 2800